

REMARKS

The Official Action has withdrawn the prior indication of the allowability of a number of the claims in light of reconsideration of several references. In this regard, the Official Action rejects Claims 9, 11, 13, 31 and 32 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,082,240 to Mark Albert Middione, et al. The Official Action also rejects Claims 2 and 26 under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,365,713 to John D. Nicholas, et al. In addition, the Official Action rejects several claims under 35 U.S.C. § 103(a) as being unpatentable over the Middione '240 patent, either individually or in combination with other references. In this regard, the Official Action rejects Claims 12 and 14 over the Middione '240 patent alone, Claims 10 and 33 over the Middione '240 patent in view of U.S. Patent No. 2,710,113 to Donald J. Pritchard, Claim 35 over the Middione '240 patent in view of U.S. Patent No. 4,523,278 to William L. Corsover, et al., and Claims 1, 3, 5, 36 and 37 over the Middione '240 patent in view of the Corsover '278 patent and in further view of the Pritchard '113 patent. Finally, the Official Action rejects Claim 25 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,197,250 to Fred Kramer. The Official Action does continue to confirm, however, that dependent Claims 29, 30 and 34 are directed to patentable subject matter and would be allowable in rewritten in independent form.

At the time of examination, the present application included six independent claims, namely, independent Claims 1, 2, 9, 25, 26 and 31. Of these, independent Claims 2 and 26 have now been cancelled such that the rejections thereof are moot. Additionally, independent Claim 25 has been amended to include the recitations of allowable dependent Claim 29, thereby effectively rewriting allowable dependent Claim 29 in independent form. In light of the incorporation of the recitations of dependent Claim 29 into independent Claim 25, Claim 29 has been canceled and the dependency of Claim 30 has also been amended so as to now directly depend from independent Claim 25. For at least the same reasons that dependent Claim 29 was found to be allowable, independent Claim 25, as well as Claim 30 which depends therefrom, is submitted to be in condition for immediate allowance such that the rejections thereof are overcome. Independent Claim 31 has also been amended to include the recitations of allowable

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dependent Claim 34, as well as intervening dependent Claim 33. As such, the amendments to independent Claim 31 effectively rewrite dependent Claim 34 in independent form. As a result of the amendments to independent Claim 31, dependent Claims 33 and 34 have been cancelled. For at least the same reasons that dependent Claim 34 was found to be allowable, it is submitted that independent Claim 31, as amended, as well as Claims 32, 35 and 36 which depend therefrom, are in condition for immediate allowance and the rejections thereof are overcome.

As to independent Claims 1 and 9, each of these independent claims has been amended as described below in order to further patentably distinguish the claimed invention from the cited references, taken either individually or in combination. Based on the foregoing claim amendments and the following remarks, reconsideration of the present application and allowance of the amended set of claims are respectfully requested.

The apparatus of independent Claim 9 includes a sealing member having an attachment portion fixed to one of the surfaces and a seal portion connected to the attachment portion and including a deformable segment that is positioned such that the deformable segment is inserted into a receiving aperture. The sealing member also defines an opening. The apparatus of independent Claim 9 also includes a fastener aligned with the opening in the sealing member and underlying a portion of the deformable segment of the sealing member. As a result of the position of the fastener, independent Claim 9 has also been amended to recite that the deformable segment is forcibly disengaged from the receiving aperture when the fastener is at least partially loosened. Notably, the forcible disengagement of the deformable segment from the receiving aperture occurs without detaching the attachment portion from the respective surface, as now also set forth by amended independent Claim 9.

As noted above, independent Claim 9 is rejected as being anticipated by the Middione '240 patent. With reference to Figure 2 of the Middione '240 patent, the Official Action contends that a sealing member **23** is disposed in an aperture defined by two surfaces, that is, interior surfaces of elements **38** and **48**. The Middione '240 patent also includes a fastener **29**. The Official Action contends that "when the fastener is loosened, the deformable segment will be disengaged from the aperture (this will ultimately result in all the components being separated and thus the seal as a whole will become disengaged from between the two elements)." See page

2 of the Official Action. Although the fastener of the apparatus of amended independent Claim 9 is configured and is positioned such that the partial loosening of the fastener will forcibly disengage the deformable segment from the receiving aperture, this disengagement of the deformable segment and receiving aperture occurs without detaching the attachment portion from the respective one of the surfaces. Thus, the apparatus of amended independent Claim 9 is configured such that the loosening of the fastener forcibly disengages the deformable segment from the receiving aperture without detaching the attachment portion from the respective surface. In contrast, any disengagement of the deformable segment of the Middione '240 patent would also serve to detach the attachment portion from the respective surface as recognized by the Official Action in conjunction with the comment that, in response to loosening of the fastener, all of the components would become separated and the seal as a whole would become disengaged from between the two elements.

Thus, neither the Middione '240 patent nor any of the other references teach or suggest an apparatus including a fastener configured and positioned as now set forth by amended independent Claim 9. Since none of the references individually teach or suggest a fastener configured and positioned as set forth by independent Claim 9, it follows that no combination of the cited references teaches or suggests independent Claim 9 for at least the same reason. As such, the rejections of independent Claim 9, as well as the claims which depend therefrom, are respectfully overcome.

Independent Claim 1 has been amended in a comparable manner to that described above in conjunction with independent Claim 9. In this regard, independent Claim 1 now recites that the fastener underlies a portion of the deformable segment of the sealing member such that the deformable segment is forcibly disengaged from the receiving aperture when the fastener is at least partially loosened without detaching the attachment portion from the respective surface. As such, the apparatus of independent Claim 9, as amended, as well as the claims which depend therefrom, is also patentably distinct from the cited references, taken either individually or in combination for at least the same reasons as described above in conjunction with amended independent Claim 9. Thus, the rejections of independent Claim 1, as well as the claims which depend therefrom, are also overcome.

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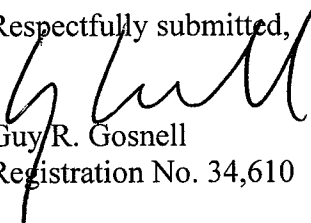
CONCLUSION

In view of the amendments to the claims and the foregoing remarks, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is respectfully requested. In order to expedite examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

The patentability of the independent claims has been argued as set forth above, and thus Applicants will not take this opportunity to argue the merits of the rejection with regard to specific dependent claims. However, Applicants do not concede that the dependent claims are not independently patentable and reserve the right to argue the patentability of dependent claims at a later date if necessary.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,


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